APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,009	02/15/2007	Reinhard Weiberle	10191/4639	5977

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EXAMINER
TREAT, WILLIAM M

ART UNIT	PAPER NUMBER
2181	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/577,009	WEIBERLE ET AL.
	Examiner	**Art Unit**	
	William M. Treat	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 January 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 January 2008* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
           application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

1.   Claims 19-36 are presented for examination.

2.   The drawings are objected to because Fig. 5 lacks meaningful legends. How many times have applicants walked up to someone and said AP, CB, or K4 and had that individual say "I know what that is." Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.　　Claims 19-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Grochowski et al. (Patent No. 6,615,366).

5.　　Grochowski taught the invention of exemplary claim 19 including: a method for switching between at least two operating modes of a processor unit that includes at least two execution units for running programs (col. 3, lines 57-67), comprising: assigning at least one identifier to at least the programs, the identifier allowing a differentiation between the at least two operating modes; switching between the operating modes as a function of the identifier such that the processor unit runs the programs according to the assigned operating mode (col. 9, lines 61-65).

6.　　As to claim 20, Grochowski taught the method as recited in Claim 19, wherein the programs contain task programs or constitute them, and the identifier is assigned to the corresponding individual task programs (col. 7, lines 19-27 and col. 9, lines 61-65).

7.　　As to claim 21, Grochowski taught the method as recited in Claim 19, wherein the programs are made up of individual program segments or contain them, and the identifier is assigned to the corresponding individual program segments (col. 3, lines 57-64 and col. 9, lines 61-65).

8.　　As to claim 22, Grochowski taught the method as recited in Claim 19, wherein the programs are made up of individual program instructions, and the identifier is assigned to the corresponding individual program instructions. Grochowski never defines a lower limit for his program segments in terms of number of instructions. His claim for a program segment in his claim 17 must inherently encompass a single instruction. Also, his embodiment where the OS recognizes the mode of execution and

schedules appropriate mode switch instructions would enable a program segment as small as one instruction (col. 7, lines 8-18 and lines 28-39).

9.   As to claim 23, Grochowski taught the method as recited in Claim 19, wherein the programs are part of an operating system of the processor unit or constitute the operating system (col. 3, lines 30-45).

10.   As to claim 24, Grochowski taught the method as recited in Claim 19, wherein the programs are used for controlling operating sequences of a vehicle. Grochowski's claim 1 is for a processor which can switch back and forth between a high reliability mode and a high performance mode, as applicants' system does. The language of Grochowski's claim 1 related to a processor is so broad as to inherently encompass a processor running programs to control operating sequences of a vehicle.

11.   As to claim 25, Grochowski taught the method as recited in Claim 19, wherein a first operating mode is provided which corresponds to a safety mode in which the two execution units run identical programs redundantly (col. 3, lines 55-67).

12.   As to claim 26, Grochowski taught the method as recited in Claim 25, wherein conditions or results obtained while the programs are run are compared for agreement, errors being detected if there is a discrepancy (col. 11, lines 10-20).

13.   As to claim 27, Grochowski taught the method as recited in Claim 25, wherein the programs are run synchronously (col. 5, lines 62-64).

14.   As to claim 28, Grochowski taught the method as recited in Claim 19, wherein in the second operating mode, which corresponds to a performance mode, each execution unit runs different programs (col. 5, lines 64-65).

15.   As to claim 29, Grochowski taught the method as recited in Claim 19, wherein

the identifier is in the form of at least one bit (col. 9, lines 61-65).

16.   As to claim 30, Grochowski taught the method as recited in Claim 19, wherein a

program instruction provided that generates an identifier indicating if the program is to

be run in the first or second operating mode (col. 4, lines 50-62). Also, in the

embodiment where a predicated mode switch instruction is used (col. 9, lines 61-65), it

is inherently compiler/translator instructions which predicate the code with one or more

bits.

17.   As to claim 31, Grochowski taught the method as recited in Claim 19, wherein

the identifier is written to a specific memory area (col. 4, lines 50-62).

18.   As to claim 32, Grochowski taught the method as recited in Claim 31, wherein

the identifier is generated by an instruction provided in an instruction set of the

processor unit (see paragraph 16, *supra*).

19.   As to claim 33, Grochowski taught the method as recited in Claim 32, wherein

the identifier is generated by a write instruction. Inherently, it will be some form of write

instruction which writes to the CSB registers 124(a) and 124(b) (col. 4, lines 50-62).

20.   As to claims 34-36, they fail to teach or define over rejected claims 1-33.

21.   Applicant's arguments filed 1/15/2008 have been fully considered but they are

not persuasive.

22.   The language cited (col. 9, lines 61-65) says the value of the PCB is for the

currently executing process thread. (i.e., it is an identifier assigned to the thread to the

extent claimed by applicants). The language also says the mode switch instruction may

be predicated as on or off based on the value of the PCB (i.e., the operating mode is switched as a function of the PCB/identifier). This is all that applicants' claim language requires.

23.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

24.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

25.   Any inquiry concerning this communication should be directed to William M. Treat at telephone number (571) 272-4175.

26.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/William M. Treat/

Primary Examiner, Art Unit 2181